UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

APRIL MITCHELL,)		
Plaintiff,	3 08	0719	
\mathbf{V}_{n}	,	No. 3:08mc0164 Judge Campbell	
CITY OF NASHVILLE,) Judge Cam)	грвен	
Defendant.)		
	MEMORANDUM		

The plaintiff, proceeding in forma pauperis, brings this pro se action against the City of Nashville The Court liberally construes the complaint as having been brought under 42 U.S.C §

1983

To state a claim under § 1983, the plaintiff must allege and show: 1) that she was deprived of a right secured by the Constitution or laws of the United States; and 2) that the deprivation was caused by a person acting under color of state law. *Parratt v Taylor*, 451 U.S. 527, 535 (1981)(overruled in part by *Daniels v. Williams*, 474 U.S. 327, 330 (1986)); *Flagg Bros. v Brooks*, 436 U.S. 149, 155-56 (1978); *Black v Barberton Citizens Hosp*, 134 F.3d 1265, 1267 (6th Cir 1998) Both elements of this two-part test must be met to support a claim under § 1983 *See Christy v. Randlett*, 932 F.2d 502, 504 (6th Cir. 1991).

Although pro se complaints are to be construed liberally by the court, see Boag v McDougall, 454 U.S. 364, 365 (1982), under 28 U.S.C. § 1915(e)(2), the court is required to dismiss a complaint brought by a plaintiff proceeding in forma pauper is "at any time the court determines" that the complaint is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B)(i) and (B)(ii). A complaint is frivolous and warrants dismissal when the claim "lacks an arguable basis in law or fact." See Neitzke v. Williams, 490 U.S. 319, 325

(1989). A complaint lacks an arguable basis in law or fact if it contains factual allegations that are

fantastic or delusional, or if it is based on legal theories that are indisputably meritless. Id at 327-

28; Brown v Bargery, 207 F.3d 863, 866 (6th Cir. 2000); see also Lawler v. Marshall, 898 F.2d

1196, 1198-99 (6th Cir. 1990).

The pleadings in this case comprise a complaint filed on July 17, 2008 (Docket Entry No.

1), and what appears to be an amendment to the complaint filed on July 18, 2008 (Docket Entry No.

3). Read together, the pleadings contain generalized allegations of harassment, vague claims of

conspiracy, random vulgarities, and threats to kill. The pleadings also rail against homeland

security, life on the streets, the President of the United States, and celebrity figures. In a word, the

pleadings are "delusional."

The district court is not required to conjure up claims to prevent sua sponte dismissal of a

pro se plaintiff's incoherent and unintelligible complaint. See Fed R Civ. P. 8(a)(2); see Wells v

Brown, 891 F 2d 591, 594 (6th Cir. 1989); Clark v National Travelers Life Ins. Co., 518 F 2d 1167,

1169 (6th Cir. 1975)(per curiam). Rather, the district court may dismiss a complaint such as the one

presently before the Court under Rule 12(b)(1), Fed. R. Civ P See Duncan v Rolm Mil-Spec

Computers, 917 F 2d 261, 263 (6th Cir. 1990); Moir v. Greater Cleveland Reg'l Transit Auth., 895

F 2d 266, 269 (6th Cir. 1990). Because the complaint is delusional and does not lend itself to liberal

construction, it will be dismissed as frivolous

An appropriate Order will be entered.

United States District Judge